

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

MARGARET L. WILSON,

Plaintiff,

v.

KAUTEX, A TEXTRON COMPANY, et.al.,

Defendants.

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CAUSE NO. 1:07 CV 60

OPINION AND ORDER

This matter is before the Court on two Motions to Compel filed by the pro se Plaintiff, Margaret L. Wilson. The first motion filed on September 20, 2007, requested that the Court order the Defendants to respond to the then outstanding and overdue discovery and provide answers to interrogatories and documents. (Docket #58) The Defendants ultimately provided additional discovery on October 1, 2007, (Docket ## 60, 61) and filed a response to the motion on October 4, 2007. No reply has been filed.

The second motion, captioned as “Motion to Dismiss Defendant(s) First Set of Interrogatories and Production of Documents Submitted to Plaintiff (“Wilson”) and Compel Defendant(s) to Comply with Discovery Rules,” takes issue with the responses filed by the Defendants on October 1, 2007, and seeks an order that compels supplemental responses to the Plaintiff’s interrogatories. (Docket # 63). The motion also requests an order precluding the Defendants’ use of the documents produced because they did not previously disclose them during the Equal Employment Opportunity Commission’s conciliation proceedings. (Docket # 63).

The first motion to compel must be denied because the Defendants ultimately filed discovery responses, and since that is the only relief the Plaintiff sought in her motion (*e.g.*, she makes no claim for expenses under Federal Rule of Civil Procedure 37(a)(4)(A) for “making the motion”) the motion is moot.¹

The Defendants are to file a response to the second motion on or before November 5, 2007, and the Plaintiff is to file a reply on or before November 19, 2007.

CONCLUSION

The Plaintiff’s Motion to Compel(Docket # 58) is DENIED as moot. The Defendants are to file a response to the second motion (Docket # 63) on or before November 5, 2007, and the Plaintiff is to file a reply on or before November 19, 2007.

Enter: October 24, 2007.

S/Roger B. Cosbey
Roger B. Cosbey
United States Magistrate Judge

¹Although counsel for the Defendants suggests that the motion should be denied “because [the Plaintiff] did not comply with Local Rule 31[sic],” that would clearly be incorrect because Local Rule 37.1(c) expressly provides that *pro se* motions to compel cannot be denied on that basis.